

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

VICTOR AND NILDA ALMAZAN,  
et al.,

Plaintiffs,

v.

1<sup>st</sup> 2<sup>nd</sup> MORTGAGE COMPANY OF NJ,  
INC., et al.,

Defendants.

**Hon. Dennis M. Cavanaugh**

**ORDER**

Civil Action No. 10-01336 (DMC - JAD)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court on a Report and Recommendation filed by Magistrate Judge Joseph A. Dickson on June 2, 2011, recommending that this Court (1) dismiss without prejudice the claims against Defendants Chase Bank U.S.A., N.A.; JPMorgan Chase Bank, N.A., for itself and as acquirer of certain assets of Washington Mutual Bank from the Federal Deposit Insurance Corporation acting as receiver, and as successor by merger to Chase Home Finance LLC; First Horizon Home Loan Corp. n/k/a First Tennessee Bank National Association; and GFI Mortgage (“the Chase Defendants”) and order Plaintiffs to file any new, amended Complaints on or before August 21, 2011 to obtain the benefit of the relation back provisions of Federal Rule of Civil Procedure 15(c); (2) dismiss with prejudice the claims against The CIT Group/Consumer Finance, Inc. (“CIT”); (3) deny as moot Plaintiffs’ motion to Stay All Pending State Actions brought by Defendants against Plaintiffs and impose monetary sanctions and attorneys’ fees against Defendants.

The parties were given notice that pursuant to Local Civil Rule 72.1, they had fourteen days from receipt of the Report and Recommendation to file and serve any objections. No responses to the Report and Recommendation were filed.

The Court has reviewed the Report and Recommendation de novo and concurs in Judge Dickson's opinion. Accordingly, this Court will adopt the Report and Recommendation as the Opinion of the Court.

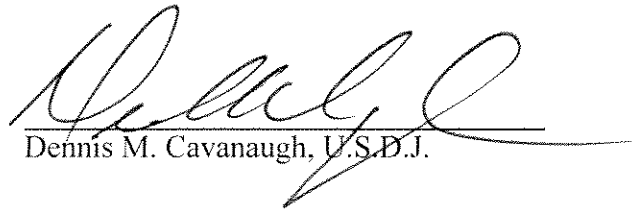
IT IS on this 30<sup>th</sup> day of June, 2011,

**ORDERED** that the Report and Recommendation of Magistrate Judge Joseph A. Dickson (ECF No. 185) is hereby adopted as the Opinion of the Court;

**ORDERED** the Chase Defendant's Motion to Dismiss (ECF No. 117) is granted without prejudice and Plaintiffs shall file any new, amended Complaints on or before August 21, 2011;

**ORDERED** CIT's Motion to Dismiss (ECF No. 121) is granted with prejudice;

**IT IS FURTHER ORDERED** Plaintiff's motion to Stay All Pending State Actions brought by Defendants against Plaintiffs and impose monetary sanctions and attorneys' fees against Defendants is denied as moot.



Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk  
cc: All Counsel of Record  
Hon. J. A. Dickson, U.S.M.J.  
File